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FILED
Clerk
District Court

JAN - 6 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

BRIEN SERS NICHOLAS
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Attorneys for Defendant
JLH PACIFIC TRUST

**IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**

PATTI C. BALLONE, *et al.*,)
v. Plaintiffs,)
BERT MONTGOMERY, *et al.*,)
Defendants.)
DAVID H. SCHMIDT, *et al.*,)
v. Plaintiffs,)
BERT DOUGLAS MONTGOMERY, *et al.*,)
Defendants,)
v.
UNITED FOREX INVESTORS, *et al.*,)
Third-Party)
Defendants.)

**AFFIDAVIT OF
BRIEN SERS NICHOLAS**

AFFIDAVIT OF BRIEN SERS NICHOLAS

BRIEN SERS NICHOLAS, being first duly sworn on oath, deposes and says:

27 1. Affiant is duly licensed to practice law in the United States District Court
28 for the District of the Northern Mariana Islands and is the attorney for JLH Pacific Trust

1 ("Trust") in the above entitled action, and makes this Affidavit in support of the Trust's Ex Parte
2 Request to Clerk for Entry of Default against Defendants Jose Cabrera and Mercedes Cabrera
3 ("Defendants").

4 2. JLH's Third-Party Complaint filed herein on September 2, 2003, was
5 served by publication upon Defendants as set forth in Proof of Publication of Service of Process
6 Upon Third-Party Complaint filed on January 6, 2006.

7 3. In accordance with Rule 12(a), Federal Rules of Civil Procedure,
8 Defendants are required answer or otherwise respond by January 4, 2006.

9 4. Defendants have failed to plead or otherwise defend.

10 5. Defendants are not an infant, incompetent person, nor is he in the military
11 service of the United States.

12 Further Affiant sayeth naught.

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15 BRIEN SERS NICHOLAS (CNMI Bar #F0163)
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17
18
19 Subscribed and sworn to before me this 6th day of January, 2006.
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22 
23 Notary Public
24 **ROSEMARIE I. LAZARO**
25 NOTARY PUBLIC
26 Commonwealth of the Northern Mariana Islands
27 My Commission expires: 8/25/2007
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